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NOV 23 2018

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Retreat at Stonecrest Apartments
40 Amanda Dr
Lithonia, GA 30058

MAGISTRATE COURT
CASE NO: 18D60693

Vs.

Shameaka Chisolm (Defendant)
218 Amanda Drive
Lithonia, GA 30058

1:18-CV-5362

NOTICE OF REMOVAL
PURSUANT To 42 U.S.C. §3631
15 U.S.C 1692, rule 60

NOW COMES Shameaka Chisolm and respectfully removes this action from Dekalb County Court of Georgia, to the United States District Court for the Northern District of Georgia pursuant to 1446, 28 U.S.C 1334 and 15 U.S.C 1692. This removal action is based on the following grounds:

JURISDICTION

The District Court of the United States has original, concurrent, and supplementary jurisdiction over this cause of action, pursuant to **§ 1446 (D), 15 U.S.C 1692, and 28 U.S.C 1334** of the federal rule of civil Procedure, including but not limited to the Bill of Rights.

1.

Removal is proper where actions are in violation of claims brought under the Federal Fair Debt Collection Practices Act (FDCPA). The Plaintiff did violate 15 U.S.C 1692, rule 60 of the federal rule of civil Procedure. The Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 et seq., "imposes civil liability on 'debt collector[s]'" for certain prohibited debt collection practices," **Jerman v. Carlisle, McNellie, Rini,**

Kramer & Ulrich LPA, 130 S. Ct. 1605 1608 (2010). Based on the above action, the court has the legal duty to abort Dispossession pursuant to **O.C.G.A 51-1-6 and 15 U.S.C. § 1692**.

42 U.S.C. §3631 make it unlawful for any individual(s) to use force, or threaten to use force, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with, any person's housing rights because of that person race, color, religion, sex, handicap, familial status, or nation origin. Thus, the claims by Plaintiff may be maintained in any appropriate United States District Court **42 U.S.C. §3631**.


2.

A party may remove any claim or cause of action in a civil case to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of title 11. Based on the above information District court has original jurisdiction in this case.

3.

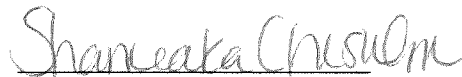
Defendant Shameaka Chisolm has provided written notice of the filing of this Notice of Removal to Plaintiff, and will file copy of this Notice of Removal with the Magistrate Court of the Dekalb County, as required per). **42 U.S.C. §3631**.

WHEREFORE, pursuant to **42 U.S.C. §3631**, Defendant, Shameaka Chisolm removes this case from the Magistrate Court of Dekalb County.


Shameaka Chisolm (Defendant)

VERIFICATION

The undersigned Affiant Shameaka Chisolm does here with swear declare and affirm that the Affiant executes this Affidavit with sincere intent and competently states the matters set forth. I the undersigned being under oath and declare that I do not have an attorney to represent me in this case. I further state that the facts listed in this removal are true, correct and not misleading to the best of my knowledge.

A handwritten signature in cursive script that reads "Shameaka Chisolm".

Shameaka Chisolm (defendant)

218 Amanda Drive


Lithonia, GA 30058

CERTIFICATE OF SERVICE

I, Shameaka Chisolm, certify this pleading was served by US Mail of with adequate postage there upon the Plaintiff by mailing a true copy to the address below as follows:

**Notice to Principal is Notice to Agent.
Notice to Agent is Notice to Principal.**

The Retreat at Stonecrest
40 Amanda Drive
Lithonia, GA 30058


Shameaka Chisolm
218 Amanda Drive
Lithonia, GA 30058

18D60693

Retreat at Stonecrest Apartments
Hamilton Point Investments

MAGISTRATE COURT OF DEKALB COUNTY

DISPOSSESSORY
WARRANT

40 Amanda Drive ,
Lithonia, GA. 30058
(770) 482-3887

Plaintiff's Name and Address

vs.

Plaintiff's Attorney and Address

Ga. Bar No. _____

Calendar Code atty/FHCW

Shameaka Chisolm, And All Other Occupants
40 Amanda Drive, Unit 218
Lithonia, GA 30058

Defendant's Name and Address

DP#: 863971

No.

Deposit Paid \$

Personally appeared the undersigned who upon oath says that he is AGENT for the owner of said premises, and that Defendant is in possession as tenant of premises at the above address in DeKalb County.

FURTHER:

- ☒ That said tenant fails to pay rent now due thereon;
☐ That tenant is holding said house and premises over and beyond the term for which the same was rented or leased to him;
☐ That said tenant is a tenant at sufferance;

The said owner desires and has demanded possession of said house and premises, and the same has been refused by the said defendant and affiant makes this affidavit that a warrant may issue for the removal of said defendant together with his property from said house and premises.

PLAINTIFF PRAYS:

- (a) judgment for the past due rent in the amount of \$1,180.00; Oct
 (b) rent accruing up to the date of judgment or vacancy at the rate of \$ \$1,180.00 per month
 Plaintiff Seeks Possession + 15% Attorney Fee Added if not Paid + \$165.00 Late Fee + \$63.00 Court Cost
 (c) other \$25.00 Trash Fee + \$10.00 Pest Control + \$65.00 Water & Sewer

By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that the statements set forth in the above pleadings(s) are true and correct.

Affiant: /s/ Hollie Abernathy

Date: Oct 17th2018

SUMMONS

TO THE MARSHAL of the State Court of DeKalb County or his lawful deputies, GREETINGS:

The defendant herein is hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court of DeKalb County, 2nd Floor, Suite 270, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough St., Decatur, Georgia with-in seven (7) days from the date of service of the within affidavit and summons (or on the first business day thereafter if the seventh day falls on Saturday, Sunday or legal holiday) then and there to answer said affidavit in writing or orally. If such answer is not made to said affidavit on or before the 29 day of October, 20 18, a writ of possession shall issue instant as by law provided, and a judgment by default will be taken against you for all rents demanded in the complaint.

Witness, the Honorable Berryl A. Anderson of said Court

Sworn to, subscribed and filed before me, this

, 20

By: _____ Deputy Clerk

AFFIDAVIT OF SERVICE

I have served the foregoing affidavit and summons on the Defendant(s) by delivering a copy of the same:

- ☐ Personally ☐ Defendant not found in the jurisdiction of this Court
☐ To a person sui juris residing on the premises (Name) _____
 Age _____ Wt. _____ Ht. _____
☒ By posting a copy to the door of the premises and depositing a copy in the U.S. Mail, First Class in an envelope properly addressed with adequate postage thereon, said copy containing notice to the Defendant (s) to answer at the place stated in said summons.

DATE OF SERVICE 10-20-18

Sworn to before me _____

Professional Process Server

Francisco Murrieta

Notary Public, State of Georgia

MAGISTRATE COURT OF
DEKALB COUNTY, GA.
10/17/2018 3:22 PM
FILED
BY: Contee McCoy

Calendar Code: atty/FHCW